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JAN 19 2007

Docket No. F-8340

Ser. No. 10/502,264

**REMARKS**

Claims 1-31 are now pending in this application. Claims 1-12 are rejected. Claims 2, 3, 5-7 and 9-10 are objected to. New claims 13-31 are added. Claims 1-12 are amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues. For the convenience of the Examiner, APPENDIX I is provided herewith having a complete set of pending claims with all amendments effected therein.

**CLAIM OBJECTIONS**

Claims 2, 3, 5-7 and 9-10 are objected to due to various informalities regarding term introductions and a typographical error. The claims are amended to address the informalities noted in the Office Action. Accordingly withdrawal of the objections is respectfully requested.

**CLAIM REJECTIONS UNDER 35 U.S.C. §101**

Claims 1-3 are rejected under 35 U.S.C. §101 as nonstatutory subject matter for allegedly overlapping to statutory classes, "a product, i.e. video game machine, or a program." Applicant respectfully traverses this rejection.

It will first be noted that the Examiner believes that a program is possibly claimed. Applicants wish to clarify that a "program" per se is not being claimed

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but rather, as the amended claims clearly state, a "recording medium having stored thereon in executable form a manipulation suppression program" is claimed. It is well settled that data structures embodied in a computer readable medium are physical entities and that data structures which provide for a functionality in conjunction with a computer reading the data structures are statutory subject matter. *In re Lowry*, 32 F.3d 1597, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). The MPEP states that "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." MPEP §2106.01 (Rev. 5 August 2006). In the instant claims the executable program is merely defined by the functionality of the program executed by a programmable device with which the recording medium functions. Therefore, it is respectfully submitted that the claim is completely statutory and withdrawal of the rejection is solicited.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-6 and 9-12 are rejected as obvious over the Takemoto reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences

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between the features of the combined references and the present invention must be obvious to one skilled in the art.

Claim 1 is directed to a recording medium having an executable program which configures a programmable device as a game machine and which suppresses adverse use of the programmable device by the user. In particular, the program functions to detect a "predetermined manipulation" of the input device which adversely affects the input device. When such is detected, the programmable device executes a suppression operation to suppress the undesirable manipulation of the input device by the user. Claims 4, 11 and 12 each include similar subject matter.

In contrast, the Takemoto (USP5,941,774) reference discloses a central management system for plurality of game machines (or pachinko machines) where a CCD camera 121 is provided in the middle of the game machines for capturing the face of the player and a detection sensor is provided which detects a "prohibited play" by the user. However, the "prohibited play" referred to is not a manipulation of an input device of the slot machine, but rather an unnatural movement of a game media due to the use of a magnetic force. A player using a magnet on the game machine does not correspond to the claimed manipulation of an input device. Additionally, the "prohibited play" is not a manipulation adverse to the device.

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Furthermore, the Takemoto reference is also deficient with regard to the claimed "executing means." Upon detection of the "prohibited play," the face of the user who is committing prohibited play is projected on a screen in a central management system and a message notifying of commission of prohibited play is placed over the image. This message and image is produced remote to the actual game machine and is not directed to the user, but rather the management of the establishment. Thus, the Takemoto reference is deficient in that it does not teach a suppression operation directed to the user at the device or via the device controlled by the program or the game device of the claim. In particular, claims 2, 3, 5, 6, and 10 each recite presenting the suppression information to the user. According to the Takemoto reference, information regarding prohibited action is presented at the display 2206 of the management unit 2204 which is remote from the game display 110. Col. 23, lines 57-65.

Thus, it is respectfully submitted that the rejected claims 1-6 and 9-12 are not obvious in view of the cited reference for the reasons stated above. Reconsideration of the rejections of claims 1-6 and 9-12 and their allowance are respectfully requested.

Claims 7 and 8 are rejected as obvious over the Takemoto reference in view of the Harada reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses this rejection.

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It first will be noted that the rejections' basis is insufficient because the secondary Harada reference does not provide the features noted above absent in the Takemoto reference. In particular, the Harada reference does not teach a detecting device for detecting a predetermined manipulation which is adverse to the Harada device. Harada merely discloses displaying images representing a user gasping when the detection of steps stops or a user "crouching in the corner of a room" when no steps are detected for a period of time. Neither of these displays suppresses a manipulation of an input on the device which is adverse to the device.

In addition to the above deficiencies, claim 7 recites changing the game situation. However, the pedometer of the Harada reference does not change a game situation based on a manipulation which is adverse to the device. Instead, the Harada changes the game display based on the user's actions which are consistent with the proper operation of the device, i.e., walking or not walking. Thus, there is no correlation between limiting adverse manipulation of a device and the changing of a game situation. Much less is there such a correlation between changing a parameter of a character in a game and a manipulation adverse to the game.

Thus, it is respectfully submitted that the rejected claims 7 and 8 are not obvious in view of the cited references for the reasons stated above.

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Reconsideration of the rejections of claims 7 and 8 and their allowance are respectfully requested.

### NEW CLAIMS

Claims 13 and 14 are added and recite that the predetermined manipulation “unnecessarily affects a life span of the input device.” The cited references do not address such a manipulation of the devices disclosed in the references.

Claims 15 and 16 provide the feature that a game parameter representing a capacity of a game character is favorably altered when the user manipulation is detected less than a predetermined number of time in period. This is not taught by the references.

Independent claim 17 recites that excessive device operation is detected when a given input is detected a number of times in excess of that required for executing a game function associated with the given input. None of the art discusses devices accepting a given input for a function and a determination being made when the number of the given inputs exceeds that required for the function intended for the input. Still further, the references do not teach interrupting a game and notifying a player when such excessive device operation is detected.

Claims 21, 22, 28 and 29 include terminating the game based on the detection of the excessive operation. Claims 20, 24, 27 and 31 each recite changing

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a parameter regarding character capacity in response to the detection of the excessive operation. It is respectfully submitted that the features noted in these claims, in combination with the other features of the respective claims, are not suggested by the applied references.

Yet another aspect of the present invention is reflected in claims 23-25, 30 and 31 wherein it is recited that a game situation is favorably altered when excessive operation is determined not to have occurred after a predetermined period. Such positive reinforcement based on refraining from excessive operation is not suggested by the references.

#### **CLAIM FEES**

Eleven claims in excess of twenty are added. One further independent claim in excess of three is added. Accordingly, please charge the fee of \$650.00 to Deposit Account No. 10-1250.

#### **REQUEST FOR EXTENSION OF TIME**

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of \$120.00 for the extension of time to Deposit Account No. 10-1250.

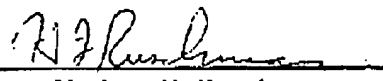
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If there is any discrepancy between the fee(s) due and the fee payment authorized the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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## APPENDIX I

## ALL PENDING CLAIMS WITH AMENDMENTS EFFECTED THEREIN

1. (Currently Amended) A recording medium having stored thereon in executable form a manipulation suppression program which is used to suppress a predetermined manipulation by a user wherein the predetermined manipulation suppression program is configured so as to control a programmable device having an input device and display to function as a video game machine comprising:

a detecting means for detecting the predetermined manipulation of the input device by the user wherein the predetermined manipulation adversely affects the input device of the programmable device; and

an executing means, responsive to the predetermined manipulation being detected by the detecting means, executing a predetermined suppression operation which suppresses the predetermined manipulation of the user based on the predetermined manipulation being detected.

2. (Currently Amended) The recording medium according to claim 1, wherein the executing means includes a presenting means for presenting suppression information to the user as the predetermined suppression operation to suppress the predetermined manipulation by the user.

3. (Currently Amended) The recording medium according to claim 2, wherein the suppression information includes a suppression picture provided to the display which conveys a message to suppress the predetermined manipulation by the user.

4. (Currently Amended) A recording medium having stored thereon in executable form a game program and a manipulation suppression program which is used to suppress a predetermined manipulation by a user while a game of the game program is executed wherein the predetermined manipulation suppression

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program is configured so as to control a programmable device with an input device and display to function as a video game machine comprising:

game execution means for executing the game of the game program including accepting manipulations of the programmable device;

a detecting means for detecting the predetermined manipulation of the input device by the user during said execution of the game program wherein the predetermined manipulation adversely affects the input device of the programmable device; and

an executing means, responsive to the predetermined manipulation being detected by the detecting means, executing a predetermined suppression operation which suppresses the predetermined manipulation of the user based on the predetermined manipulation being detected.

5. (Currently Amended) The recording medium according to claim 4, wherein the executing means includes a presenting means for presenting suppression information to the user as the predetermined suppression operation to suppress the predetermined manipulation by the user.

6. (Currently Amended) The recording medium according to claim 5, wherein the suppression information is presented on the display and includes a suppression picture which conveys a message to suppress the predetermined manipulation by the user.

7. (Currently Amended) The recording medium according to claim 4, wherein the executing means includes a game-situation changing means for changing a game situation of the game if the predetermined manipulation is detected by the detecting means.

8. (Currently Amended) The recording medium according to claim 7, wherein the game-situation changing means changes a parameter which corresponds to a character who appears in the game.

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9. (Currently Amended) The recording medium according to claim 4, wherein the executing means includes a game terminating means for terminating the game in response to the predetermined manipulation being detected by the detecting means.

10. (Currently Amended) The recording medium according to claim 4, wherein the executing means includes:

a presenting means presenting suppression information on the display advising the user to stop the predetermined manipulation in response to the predetermined manipulation being detected by the detecting means; and

a game terminating means for terminating the game in response to the predetermined manipulation being detected by the detecting means and user manipulations constituting the predetermined manipulation being detected a predetermined number of times

11. (Currently Amended) A manipulation suppression method which suppresses a manipulation by a user on an input device, including:

detecting a predetermined manipulation by the user on the input device wherein said predetermined manipulation adversely affects the input device; and

executing a suppression operation when the predetermined manipulation is detected in the detecting step, wherein the suppression operation deters the user from engaging in the predetermined manipulation of the device.

12. (Currently Amended) A video game machine which suppresses a predetermined manipulation of the game machine by a user, the game machine comprising:

a display;

an input device;

a detecting means for detecting the predetermined manipulation of the input device by the user wherein the predetermined manipulation adversely affects the input device of the game machine; and

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an executing means, responsive to the predetermined manipulation being detected by the detecting means, executing a predetermined suppression operation which suppresses the predetermined manipulation of the user when the predetermined manipulation is detected.

13. (New) The recording medium of claim 1 wherein the predetermined manipulation unnecessarily adversely affects a life span of the input device of the programmable device.

14. (New) The recording medium of claim 4 wherein:

said predetermined manipulation unnecessarily adversely affects a life span of the input device; and

said predetermined suppression operation adversely changes a parameter representing a capacity of a character, operated by the user in the game, in response to the predetermined manipulation being detected by the detecting means.

15. (New) The recording medium of claim 14 wherein:

said detecting means detecting a user manipulation and determining that said predetermined manipulation exists when said user manipulation is detected a predetermined number of times within a predetermined period; and

said video game machine further comprises a parameter change device which favorably alters the game parameter representing the capacity of the character in response to said detecting means detecting said user manipulation less than a predetermined number of times within said predetermined period.

16. (New) The recording medium of claim 4 wherein:

said predetermined manipulation adversely affecting a life span of the programmable device;

said detecting means detecting a user manipulation and determining that said predetermined manipulation exists when said user manipulation is detected a predetermined number of times within a predetermined period; and

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said video game machine further comprises a parameter change device which favorably alters a game parameter representing a capacity of a game character in response to said detecting means detecting said user manipulation less than said predetermined number of times within said predetermined period.

17. (New) A device for playing a game comprising:

a memory storing an executable game program;

a display;

a player input device for directing the programable device to perform functions associated with various input operations on said player input device;

a game processing device for processing player operations on said player input device and displaying game images on said display in accordance with said executable game program;

a detecting device for detecting an excessive device operation wherein said detecting device detects a number of times a given input operation is executed by the player on the input device, and said excessive device operation is determined to have occurred when said detected number of times equals a first number which is in excess of a predefined number of said given input operation required by the game program for executing a game function associated with said given input operation; and

a notification device which interrupts the game and delivers a notification to the player that the excessive device operation is to be avoided, when said detecting device detects the excessive device operation.

18. (New) The device of claim 17 wherein the notification is a picture on said display.

19. (New) The device of claim 18 further comprising a game-situation changing means for adversely changing a game situation of the game, with respect to interests of the player, based on said detecting device detecting the excessive device operation.

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20. (New) The device according to claim 19, wherein the game-situation changing means changes a parameter determining a capacity of a character in the game to adversely change said game situation.

21. (New) The device of claim 20 further comprising a game terminating means for terminating the game based on said detecting device detecting the excessive device operation.

22. (New) The device according to claim 21, wherein the game termination means terminates the game when said detected number of times equals a second number of inputs of the given input operation on said input device which is greater than said first number of inputs.

23. (New) The device of claim 22 further comprising a parameter change device which favorably alters the game situation, with respect to interests of the player, in response to said detected number of times being less than said first number of inputs after a predetermined period.

24. (New) The device of claim 23 wherein said parameter change device changes the parameter representing the capacity of the character favorably to effect said favorably altering the game situation.

25. (New) The device of claim 19 further comprising a parameter change device which favorably alters the game situation, with respect to interests of the player, in response to said detected number of times being less than said first number of inputs after a predetermined period.

26. (New) The device of claim 17 further comprising a game-situation changing means for adversely changing a game situation of the game, with respect to interests of the player, based on said detecting device detecting the excessive device operation.

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27. (New) The device according to claim 26, wherein the game-situation changing means changes a parameter determining a capacity of a character in the game to adversely change said game situation.

28. (New) The device of claim 27 further comprising a game terminating means for terminating the game based on said detecting device detecting the excessive device operation.

29. (New) The device according to claim 28, wherein the game termination means terminates the game when said detected number of times equals a second number of inputs of the given input operation on said input device which is greater than said first number of inputs.

30. (New) The device of claim 29 further comprising a parameter change device which favorably alters the game situation, with respect to interests of the player, in response to said detected number of times being less than said first number of inputs after a predetermined period.

31. (New) The device of claim 30 wherein said parameter change device changes the parameter representing the capacity of the character favorably to effect said favorably altering the game situation.

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